

*Marian F. Harrison*  
Marian F. Harrison  
US Bankruptcy Judge



Dated: 3/25/2019

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE**

**IN RE:** : **CASE NO: 18-03512-MFH**

:

: **CHAPTER: 11**

:

**GREGORY KENT QUINN**  
**Debtor**

:

:

**CASCADE MORTGAGE FUNDING TRUST** : **2017-1,**

**Movant,**

:

: **CONTESTED MATTER**

**vs.**

:

**GREGORY KENT QUINN**

:

**Respondents.**

:

:

**AGREED ORDER ON MOTION FOR RELIEF  
FROM AUTOMATIC STAY**

Cascade Mortgage Funding Trust 2017-1, for itself, its successors and assigns (the “Movant”), filed a Motion for Relief from Automatic Stay (the “Motion”) February 27, 2019, which was set for hearing on **March 26, 2019** (the “Hearing”). Movant seeks relief as to Debtor’s real property located in Wilson County, Tennessee, now or formerly known as 2371 BENDERS FERRY R, MOUNT JULIET, TN 37122 (the “Property”), as more particularly described in Exhibit “B” attached to the

Motion. Movant asserts that the Motion was properly served and hearing properly noticed. The parties reached an agreement as follows:

Debtor shall file a Chapter 11 Plan within 90 days of the entry of this Order. Should said Plan provide for a surrender of the Property, the automatic stay shall terminate upon the filing of said Plan.

Accordingly, by consent, it is hereby

**ORDERED** that:

The time frame for filing a Chapter 11 Plan shall be governed by Strict Compliance provisions (identified below as the "Delinquency Motion" procedure). Upon delinquency by Debtor in the timely filing of a Chapter 11 Plan as specified herein, Movant may be permitted to recover and dispose of the Property pursuant to applicable state law only after submitting a Delinquency Motion (as more particularly described below) in the following manner:

(A) Counsel for Movant shall serve the Debtor and Debtor's counsel of record with written notice of the specific facts of the delinquency (the "**Delinquency Notice**"); said notice may be contained in a letter but shall

(1) state that Debtor may cure the delinquency within ten (10) calendar days of receipt of said notice, and

(B) If Debtor fails to cure the delinquency within ten (10) days of receipt of said written notice, Counsel for Movant may file, after service on the Debtor and Debtor's counsel.

(1) **a motion**, which must contain allegations of the specific facts of the delinquency; provided, however, that, instead of alleging the facts of the delinquency in the motion (the averments of which are subject to Rule 9011), the motion may be accompanied by an affidavit **from Movant** setting forth the specific facts of the delinquency;

(2) a copy of the **Delinquency Notice**; and

(3) a proposed order (the motion, affidavit, copy of the Delinquency Notice and the proposed order are herein collectively referred to as the "Delinquency Motion").

Upon filing of said Delinquency Motion, the Court may enter an order modifying the automatic stay without further notice or hearing.

Upon completion of any foreclosure sale by Movant, all proceeds exceeding Movant's lawful debt shall be remitted promptly to the Debtor in Possession.

This Order was Signed and Entered Electronically as Indicated at the Top of the First Page.

**[END OF DOCUMENT]**

Prepared and Submitted by:

/s/ Natalie Brown  
Natalie Brown  
TN BPR No. 022452  
Rubin Lublin TN, PLLC  
119 S. Main Street, Suite 500  
Memphis, TN 38103  
(877) 813-0992  
[nbrown@rubinlublin.com](mailto:nbrown@rubinlublin.com)  
Attorney for Creditor

Consented to by:

/s/ Joseph P. Rusnak  
Joseph P. Rusnak, Esq.  
TN BPR No. 012464  
Tune Entrekin & White PC  
315 Deaderick Street, Suite 1700  
Nashville, TN 37238  
615 244-2770  
[JRUSNAK@TEWLAWFIRM.com](mailto:JRUSNAK@TEWLAWFIRM.com)  
Attorney for Debtor

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Gregory Kent Quinn  
2371 Benders Ferry Road  
Mount Juliet, TN 37122

Joseph P. Rusnak, Esq.  
Tune Entrekin & White PC  
315 Deaderick Street, Suite 1700  
Nashville, TN 37238

Natalie Brown, Esq.  
Rubin Lublin TN, PLLC  
119 S. Main Street, Suite 500  
Memphis, TN 38103

This Order has been electronically signed. The Judge's signature and Court's seal appear at the top of the first page.  
United States Bankruptcy Court.